

JUSTICE REFUSES SPECIAL JURY

Court Holds that Newspaper Discussion of Case Involving Vanderbilt Family Does Not Warrant Granting of Request.

Justice Greenbaum in the Supreme Court to-day denied the application made by Edith La Bau Dyer and Lilian La Bau Symar, the executrices of the late Mrs. Alida Vanderbilt La Bau, for a special jury upon the second trial of a suit brought against them to recover \$30,000, with interest from March 1, 1897, being the balance claimed to be due of the amount agreed upon as the purchase price of a farm owned by Mrs. Elizabeth Reich, at Brentwood, L. I.

Mrs. La Bau, who was the aunt of William K. Vanderbilt, died on Aug. 16, 1902. Two months afterward Mrs. Reich and her husband, Lorenz Reich, made the claim for the amount upon the executrices which forms the basis of the action pending.

Justice Greenbaum said: "The grounds which defendants urge upon this motion for a special jury are that the case is intricate and one of public importance, having been widely commented upon in the newspapers to the fact that it may be said that if newspaper reports of a case which happens to involve parties connected with well-known families, or are widely known in political, social or other relationships in life, or which has features that an enterprising press will seize upon to publish as a readable or interesting item of news, are to be deemed as coming within the provisions of the laws entitling a party to a special jury upon the ground that the 'subject matter of the issue has been so widely commented upon' that an ordinary jury cannot without delay and difficulty be obtained to try such issue, then it is safe to say the courts would be flooded with applications of this kind."

"It is a matter of daily occurrence to find newspaper accounts of cases that are in our courts and the subject matter of common knowledge that in but few of them is the impression made by their publication prejudicial, and in most instances the interest in them is but fleeting."

COADIUTOR BISHOP CHOSEN.

The Rev. Frederick F. Johnson Will Help Bishop Hare.

Rev. Frederick Foote Johnson was today elected Coadjutor Missionary Bishop of South Dakota, to assist the venerable Bishop Hare. The Protestant Episcopal Bishops continued their deliberations for an hour at the Church Mission House, Fourth avenue and Twenty-second street, and then adjourned to Calvary Church nearby. The holy communion was then celebrated, the celebrant being Bishop Tuttle, of Missouri, the Presiding Bishop of the Protestant Episcopal Church; the Epistoler Bishop Lawrence, of Massachusetts; the Chairman of the House of Bishops, and the Gospel Bishop Hare, of South Dakota. Immediately after the celebration the ballot was held in the church.

Rev. Frederick Foote Johnson is at present a resident of Springfield, Mass., and has held for some time the appointment of Diocesan Missionary of Western Massachusetts. He is a graduate of Trinity College, Hartford, and formerly of the Divinity School. He was born at Newton, Conn. The date and place of consecration is not yet fixed.

ROOSEVELT LEAVES FOR VIRGINIA.

WASHINGTON, June 8.—President Roosevelt left here at 11:15 o'clock this forenoon for a short visit to friends in Virginia.

The President will be the special guest of Joseph Wilmer, an old friend of himself and Mrs. Roosevelt. Mrs. Roosevelt, who recently purchased a tract of nearly twenty acres of woodland adjoining Mr. Wilmer's farm, left here yesterday for the Wilmer home.

The President and Mrs. Roosevelt will remain there probably until Sunday night or Monday morning, unless the President's presence in Washington should become before that time a matter of urgency.

The President left Washington on a regular train of the Southern Railway. He was accompanied only by M. A. Latta, his personal stenographer, and Frank H. Tracy, one of the Secret Service officers stationed at the White House. The President traveled in a regular Pullman car instead of in a private car.

Both Secretary Loeb and Assistant Secretary Barnes remained here to transact any business that might arise. The small children of the President and Mrs. Roosevelt left to-day for Connecticut on a brief visit to friends, prior to going to Oyster Bay for the summer.

MRS. POTTER TELLS COURT OF LOAN.

LONDON, June 8.—The further hearing of the charge against Alfred Fossick, a lawyer of Maidenhead, Berkshire, charged with misappropriating \$50,000, and who, according to a statement made in court by counsel for the plaintiff in the case, informed plaintiff's counsel that he had loaned the money to Mrs. James Brown Potter, occurred to-day.

Mrs. Potter testified that Fossick, as her lawyer, undertook to raise from his clients a \$50,000 mortgage on her property at Maidenhead. The money was required to work the Savoy Theatre.

Mrs. Potter never knew that Fossick was personally advancing the funds.

"This session will be called to investigate certain charges made against members of the State Judiciary. I do not care to discuss the matter beyond making this brief statement."

SPECIAL SESSION ON RETURN OF HIGGINS

DULUTH, Minn., June 8.—"You may state," said Gov. Higgins, of New York, "that I will call a special session of the Legislature immediately on my return to New York."

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MOB THREATENS GIRL'S ASSAILANT

Talk of Lynching, but Police Got Prisoner to Jersey Jail Without Harm — His Victim Escapes after Fight.

(Special to The Evening World.)
MOORESTOWN, N. J., June 8.—An attack made upon a girl here aroused the citizens of this town and only the prompt action of the public officials prevented a lynching. The victim was Miss Emma Coleman, seventeen years old, and her assailant John Murphy, twenty-five years old, whose home is at North Bend, two miles from here. The fellow was caught after a chase

and committed to the Mount Holly Jail without bail, after a hearing before Justice Pettit.

Miss Coleman, who lives half a mile from Moorestown, spent yesterday afternoon with a girl friend in the country. Returning home last evening, she had reached Hooten's Bridge at 7 o'clock. There she was met by Murphy, who attacked her.

The girl fought desperately, and in the struggle was enabled to escape her assailant. She managed to break away from her assailant and fled up the road, pursued by Murphy.

The girl was only saved by the appearance of a number of farm hands, who were on their way home from work.

By this time Miss Coleman was near her home and exhausted. She staggered into the house and told her story. A police search was immediately instituted for Murphy, who was known to the girl, and he was finally apprehended near North Bend and taken to Moorestown to the office of Justice Pettit.

Here a large crowd had gathered and threats to lynch the prisoner were made. Chief of Police Conway and Officer Painter held the crowd at bay, however, until wiser counsels prevailed.

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PLUCKY GIRL SAVES TWO MEN

Members of Michael Cruise Association Were Clinging to Capsized Boat When Young Woman Went to Rescue.

William McAvoy and James Dougherty, members of the Michael J. Cruise Association, at No. 623 East Sixteenth

street, owe the fact that they are alive to-day to the pluck of a young and athletic woman.

The Cruise Association had an outing at College Point yesterday and McAvoy and Dougherty went out rowing. In the Sound their boat upset, and as neither could swim they were almost drowned. They managed to cling to the bottom of the boat, however, until they were discovered by a young woman on shore.

She jumped into a boat and rowed out to them. She took them in one after the other and after putting them ashore in safety went out and got the boat.

The girl refused to give her name, but to-day the members rang up the proprietor of the grove, where they had the outing, and insisted on finding out who the girl was. They then learned that she was Sadie Kelly, a College Point girl. The Cruise Association is owing to send its thanks to Miss Kelly.

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